

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2006.03
COMPLAINT INVESTIGATOR:	Connie Rahe
DATE OF COMPLAINT:	February 24, 2003
DATE OF REPORT:	March 24, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	June 26, 2003

COMPLAINT ISSUES:

Whether the Duneland School Corporation and the Porter County Education Interlocal violated:

511 IAC 7-21-7(d) and 511 IAC 7-28-1(o)(2)(B) by failing to reimburse the parent at the rate that employees of the public agency are reimbursed for travel expenses.

FINDINGS OF FACT:

1. The Student is seventeen years of age, qualifies for special education and related services under the category of multiple disabilities, and attends a separate educational facility provided by the District for students with significant special needs.
2. At the case conference committee (CCC) meeting on March 20, 2002, the IEP reflects that the Student's school day was shortened and attendance per week was reduced to meet the Student's increased medical needs. The March 20th IEP does not contain *page IIB-part 2* on which the Student's transportation needs are to be addressed. However, on two different pages of the IEP, the notes indicate that the Complainant is providing the Student's transportation to and from school. The IEP dated October 29, 2002 includes *page IIB-part 2*, and in the section entitled "Transportation" it states: "Parent to provide transportation." There is no indication in either the March or October IEP that the School would reimburse the Complainant for transporting the Student.
3. Although the School asserts the Complainant chose to transport the Student despite the availability of school-provided transportation, neither the CCC Report or the IEP from March 20 or October 29, 2002, reflect this information. Prior to February 13, 2003, the School declined the Complainant's request for reimbursement for mileage incurred prior to that time.
4. The IEP, dated February 13, 2003, does not include *page IIB-part 2*, but does include the following notes: "Parent to provide transportation to and from school . . . Reimbursement for mileage." In a letter dated February 27, 2003, the School agreed to reimburse the Complainant for transportation "for actual trips and only one round trip per day."

CONCLUSION:

Findings of Fact #2 through #4 indicate that there is no documentation to support the School's position that it offered transportation for the Student or that the Complainant declined the offer. The Complainant has

provided the Student's transportation to and from school since March 20, 2002, and has not been reimbursed for that service. Therefore, violations of 511 IAC 7-21-7(d) and 511 IAC 7-28-1(o)(2)(B) are found.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Duneland School Corporation and the Porter County Education Interlocal shall:

1. Reimburse the Complainant for transporting the Student to and from school between March 20, 2002, and March 21, 2003. The School shall provide the appropriate claim forms, and the Complainant may claim mileage as follows: for each day the Complainant transported the Student, she may claim mileage for one trip of taking the Student to school (mileage from home to school and return to home) and one trip of retrieving the Student from school (mileage from home to school and return to home). Any additional trips to and from the school on a given day are not subject to reimbursement by the school. As documentation of the paid mileage claim, a copy of the check, along with documentation of the Complainant's receipt of the check, shall be submitted to the Division no later than April 21, 2003.
2. Provide the Complainant with appropriate forms for requesting reimbursement in accordance with the terms set out in the previous paragraph for mileage incurred subsequent to March 21, 2003. Such reimbursement shall be made no later than June 13, 2003. A copy of the reimbursement check, along with documentation of the Complainant's receipt of the check, shall be submitted to the Division no later than June 23, 2003.